

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>)	
State Engineer)	69cv07941 – MV / KK
)	RIO CHAMA STREAM SYSTEM
)	
Plaintiff,)	
)	Section 3, Rio Cebolla
)	
vs.)	Subfile Nos. CHCB-001-0007,
)	CHCB-002-0001B, CHCB-002-0002C,
)	CHCB-002-0009
)	
ROMAN ARAGON, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

AFFIDAVIT OF STEPHEN D. HARDIN

I, Stephen D. Hardin, being duly sworn, state as follows:

1. I am a Land Surveyor who has performed work for La Asociacion de Las Acequias Nortenias de Rio Arriba as a contributor of exhibits to the work by Malcolm Ebright, entitled “Settlement North of Abiquiu Leading to Settlement and Irrigation at Cebolla”.

2. I have also performed work developing an exhibit involving the properties of the Defendants in this case, Charlie and Geralda Chacon and Delfin and Francis Quintana, in particular “Exhibit A: Assembled and Prepared By Stephen D. Hardin, Land Surveyor”, prepared July 14, 2008, and revised on July 26, 2009 and July 26, 2015. My survey map is based on office and field work, is geo-referenced and approximates the section lines, boundaries and topographic features of the subject properties. See attached Exhibit A.

3. All irrigated lands as shown on Exhibit A were located and identified in the field by Gerald Chacon. No boundary surveys during several field investigations were conducted.

4. Exhibit A depicts the original government patents of the Defendants Chacon and Quintana based upon my review of the underlying original GLO surveys and resurveys and government patents for the respective properties which are: for one of the Charlie and Geralda

Chacon properties the Patentee is Jose Leandro Montoya who occupied the homestead property, Section 25, T 27 N, R 4E, in (1886) and received the patent on March 1, 1892 and for the properties of Delfin and Francis Quintana, the two Patentees were Gabriel Valdez, occupying in (1884) and Canuto Valdez, occupying in (1887).

5. The Chacon fields identified as “Alfalfita” of about 5.0 acres and a second field near the “Old Tank” of about 4.0 acres lie within the portion of the Jose Leandro Montoya patent in the area where the February 8, 1884 Atkinson Survey and surveying notes identify and depict the presence of “cultivation”. See 1884 Atkinson Survey, Exhibit B.

6. The Quintana fields of about 10 acres between the Old Valdez Ditch and the Rito del Tanque lie within the portion of the Canuto Valdez and Gabriel Valdez homestead patents in the areas where the February 8, 1884 Atkinson Survey and surveying notes identify and depict the presence of “cultivation”. See Exhibit B.

7. Neither the “Alfalfita” field of 5.0 acres, more or less, nor the field of 5.0 acres, more or less at the Old Tank location, overlap with any part of the 30 acre parcel irrigated by the transfer of water rights in 1973 by Charlie Chacon. See Exhibit A.

8. Both the Rito del Tanque and the Old Valdez Ditch traverse both the Chacon and the Quintana properties.

FURTHER AFFIANT SAYETH NAUGHT

Stephen D. Hardin

Stephen D. Hardin

SUBSCRIBED AND SWORN to before me this 28th day of July, 2015.

Notary Public

My Commission Expires: 11-30-2016

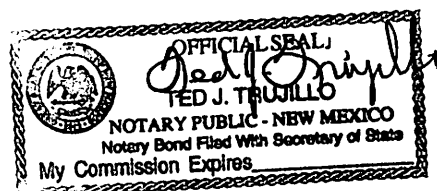


EXHIBIT A
ASSEMBLED AND PREPARED
BY STEPHEN D. HARDIN
LAND SURVEYOR
July 26, 2015

NORTH
1" = 1200'

NOTE: ACREAGES SHOWN HEREON ARE APPROXIMATE AND DO NOT TAKE INTO CONSIDERATION AREAS OCCUPIED BY HOUSES, ROADS AND OTHER MAN MADE FEATURES.

● Point of Diversion (POD)

LANDS OF CHARLIE (CARLOS) AND JERALD CHACON

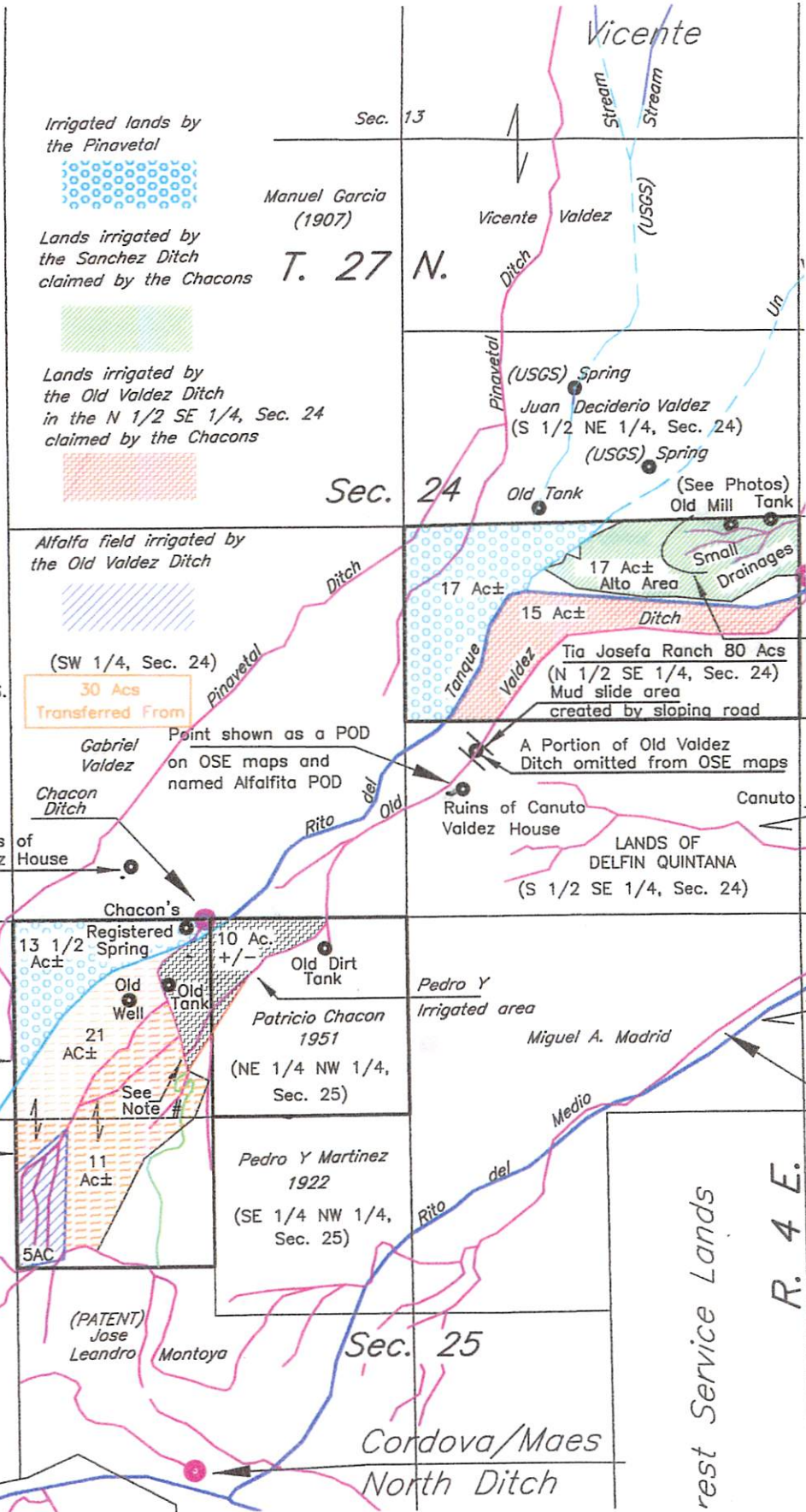
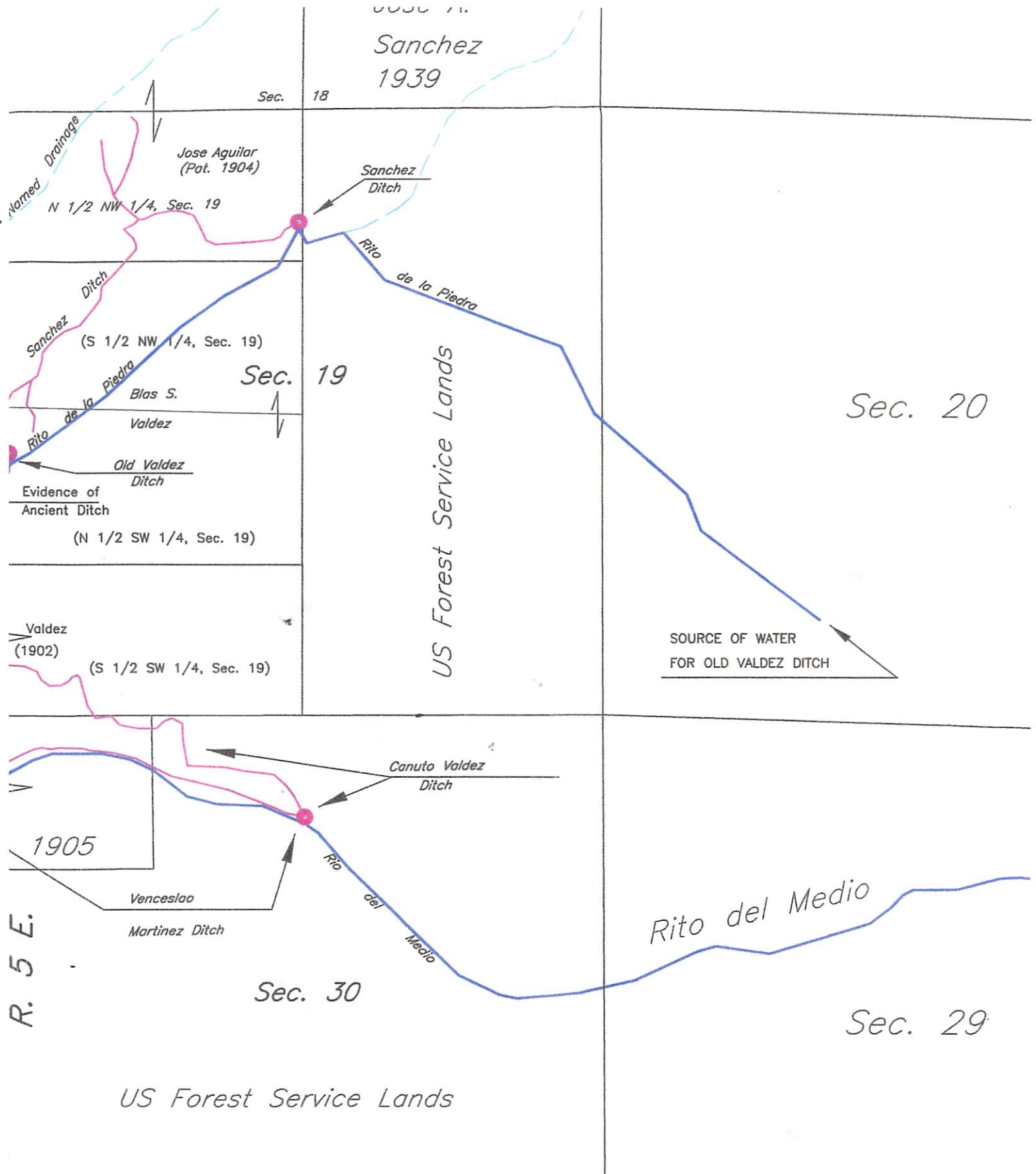
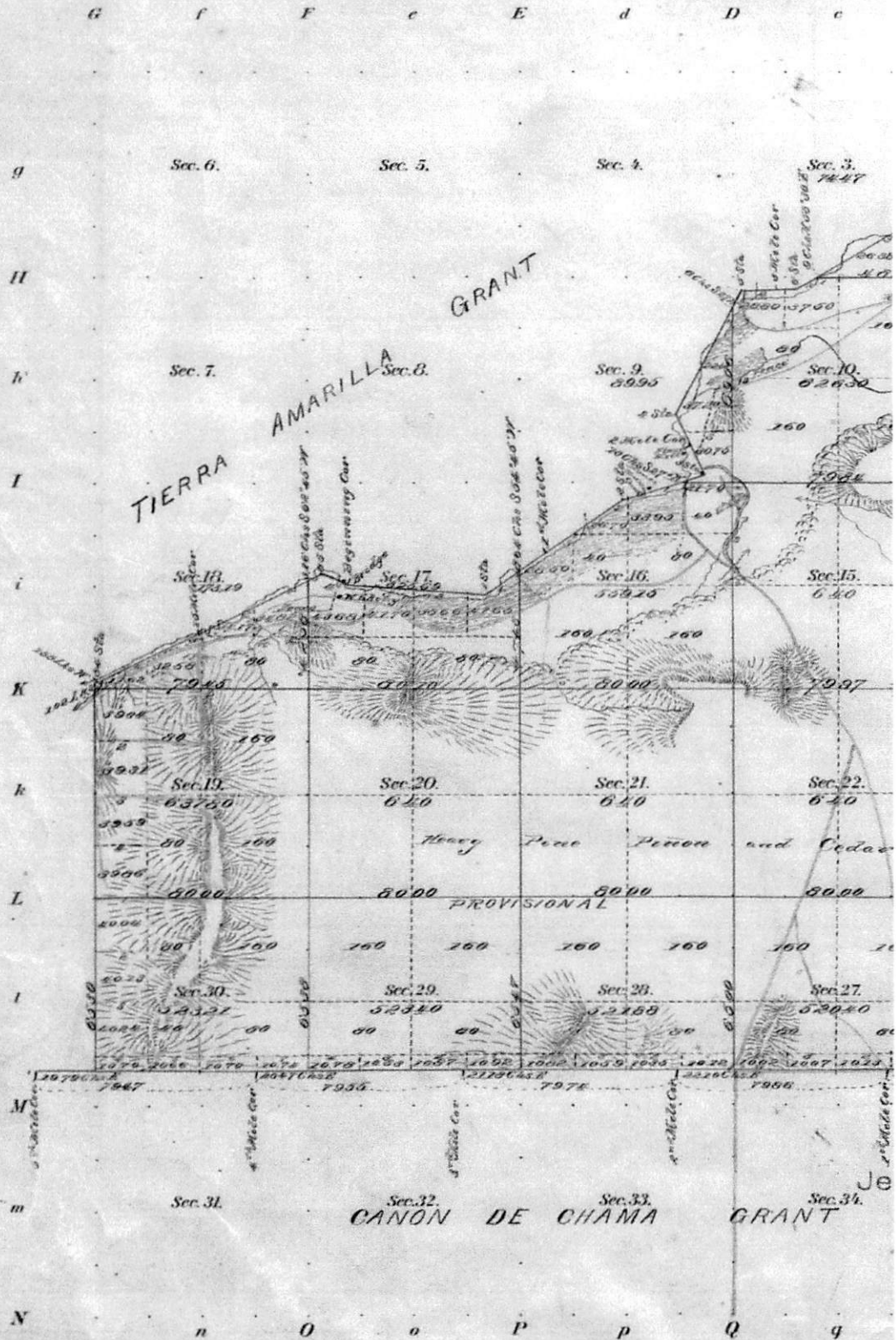


Exhibit A (1)



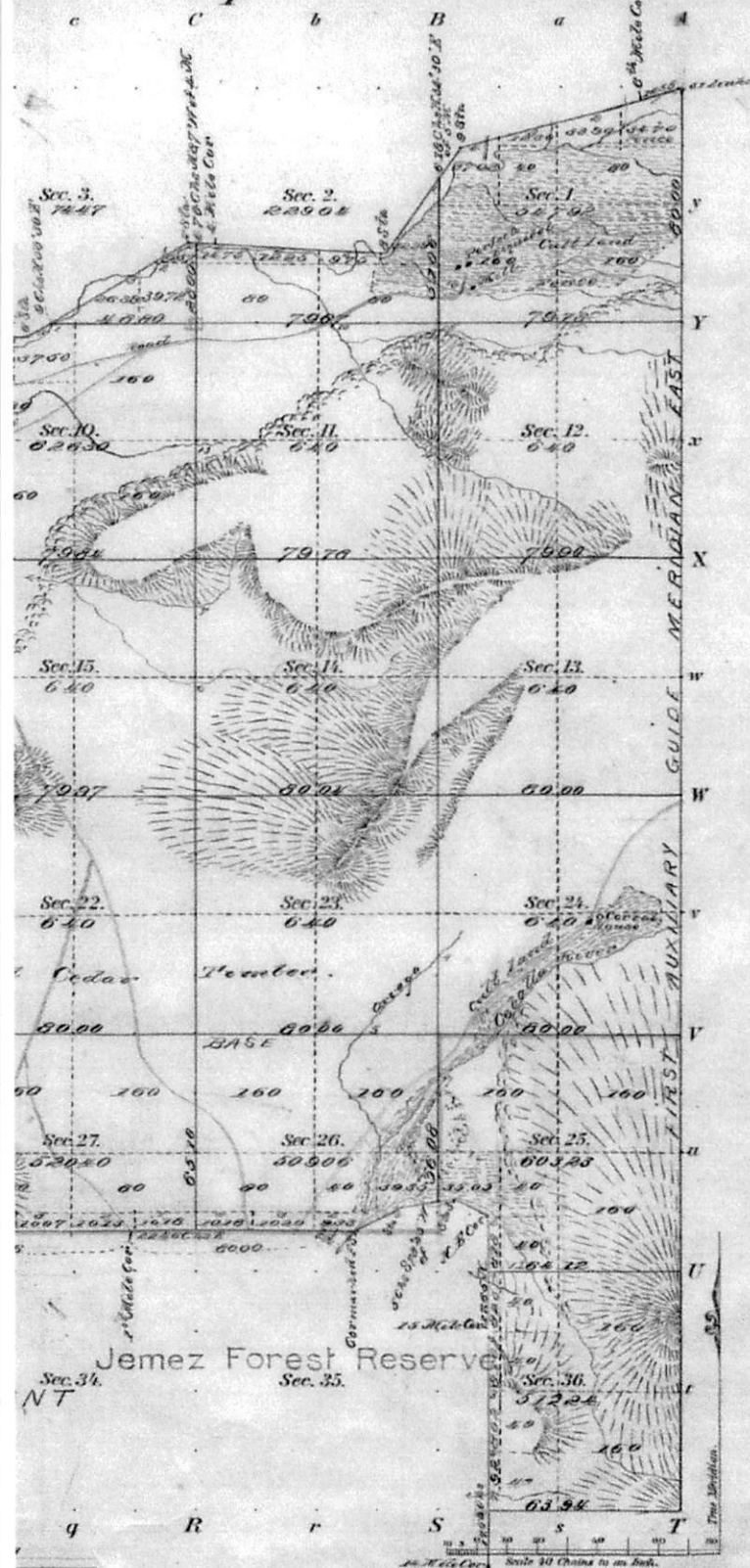
Tract Township N^o 27 North Range N^o 4 East of the P



Survey Designated	By Whom Surveyed	Date of Contract	Amount of Survey M. C. H.	When Surveyed	Mean Declination
Township lines	Moore & Fisher	Nov. 23, 1863	2 - 130 - 57	Dec. 6, 1863	15° 30' E
Subdivisions	" " "	" " "	35 - 00 - 36	" 6 - 10 "	15° 37' E
De C. Stacey Grant	" " "	" " "	7 - 22 - 12	" 3 "	15° 34' E
Rel. N. L. G. Grant	" " "	" " "	6 - 27 - 69	" 30.5 "	15° 30' E

Exhibit B (1)

The Principal Meridian New Mexico



Measurements of <i>Neuroleptoceras</i> Stage of T. A. Grand					
Posts	Curves	Ch. Lk.	Posts	Curves	Ch. Lk.
1	88° 5'	5200		72° 21'	200
2	82° 25'	6200	33	86° 25'	9276
3	72° 2'	3200	34	86° 30' N	5130
4	73° 20' N	3200			13728
5	72° 5'	3200			
6	70° 30' N	2100			
7	73° 30' N	6200			
8	85° 00'	6230			
9	73° 10' N	4450			
	77° 30' N	2100			
		42036			

Neocedrus of the Pecos de la Cebolla
 2. Nov 50 11.50 Porton of R Bay of C. de C. Grant
 1. Sep 50 11.75
 2. Sep 50 11.97
 2. 11.97

Surgeon General's Office
 Santa Fe, New Mexico
 January 1, 1904

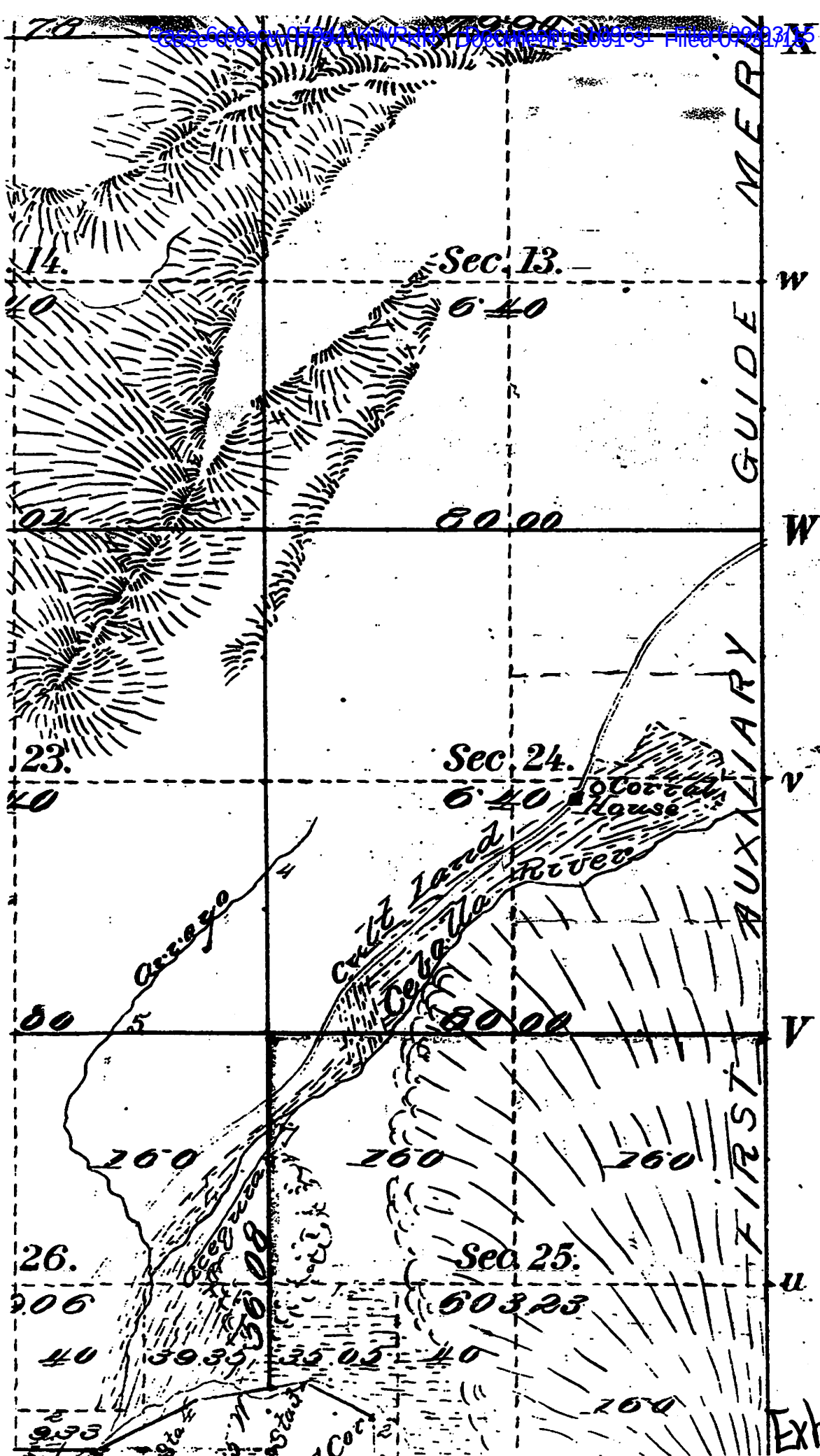
I hereby certify that as settler on the Public Land in this township, Bertha Espritel did under Section 2401 of the United States Revised Statute, at the designated Depository at Santa Fe, on July 1883 make deposits of funds amounting to \$600. for the Survey of this township and the expenses incident thereto, to wit: For the Bird Hawk \$265. and for the Coyote Hawk \$35. And I further certify that of said deposits for Survey \$200 was expended, leaving nothing to be refunded to the said depositor. And of said deposit for the Hawk \$35. was expended leaving to be refunded to said depositor nothing.

Wm. M. C. Wilson
Surgeon General

The above Map of Township 1. ³² North of Range 1. ² East of the Principal Meridian, New Mexico, is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveys General's Office,
Santa Fe, New Mexico
February 8. 1854.

Henry M. Atkinson
Sur. Genl



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Exhibit B (3)